



City of San Diego

MEMORANDUM

DATE: May 12, 2010

TO: Honorable Mayor Jerry Sanders

FROM: Council President Ben Hueso

Councilmember Todd Gloria

Councilmember Donna Frye

Councilmember Marti Emerald

SUBJECT: Rope Barrier at Children's Pool

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We respectfully request that the rope barrier remain at Children's Pool and not be removed on May 16th. On April 5, 2010, the Natural Resources and Culture Committee voted to seek an emergency Coastal Development Permit to leave the rope up year around. The full City Council will be voting on this May 17, one day after the rope is scheduled to come down.

There are continually and on a regular basis conflicts and encounters between people who want to protect the seals from harassment and people who want to use the beach. These conflicts have the potential to turn violent, and regularly involve confrontations and yelling. As conflicts arise between people on either side of the issue and between people and seals, lifeguards and police officers are regularly brought into these situations by members of the public. Lifeguards and Police are authorized to enforce state and local codes; however, they are continually asked to diffuse conflicts, which take them away from providing essential public services, such as protecting swimmers from danger and/or drowning and responding to more serious calls for service.

Without the rope barrier, there is strong evidence that the public will harass the seals (knowingly or unknowingly) as well as each other, which impacts the public safety and creates a situation that could be avoided/significantly lessened if the rope remains. The rope barrier will provide a clear message for those that have a sincere desire to respect the marine mammals present on the beach and provide some level of heightened protection for the seals. The rope barrier will also aid in informing people when they are more likely to be found in violation of the Marine Mammal Protection Act and potentially cited and assist police and lifeguards in enforcing the law.

As has been pointed out by NOAA, *"...harbor seals haul out at CPB for breeding, nursing, molting, and resting. The first full-term pups are usually born in early-mid January. Pups wean from their mothers in approximately 4-7 weeks. The last pups of the season may not wean until the end of May."* Because of this, it is likely that pups will still be on the beach when the rope comes down.

In April 2010, the San Diego Police Department provided information regarding Calls for Service at Children's Pool. The report lists the number of Disturbance Calls, including Battery Calls for Service at Children's Pool. It showed that from February 1, 2009 through January 31, 2010, there were 184 Designated Runs, 37 calls for disturbing the Peace and 4 calls for battery incidents. Out of service time for that same time period was approximately 185 hours as compared to 2005 (70 hours); 2006 (95 hours); 2007 (40 hours); 2008 (79 hours). There was also a significant increase in calls for service from 2005 to 2009. According to the Police reports, Total Selected Calls for service at Children's Pool were: 55 (2005); 62 (2006); 26 (2007); 55 (2008) and 290 (2009). The evidence shows that the number of Total Selected Police Calls for Service has escalated significantly, increasing from 55 calls in 2005 to 290 calls in 2009.

Because the seals continue to occupy the Children's Pool year around, the rope barrier needs to remain in place to protect public health and safety and to mitigate for damage to life, health, and essential public services by preventing human-to-human conflicts, on-going harassment and potential violence; by preventing seal harassment and associated harm to seals and humans, and by allowing lifeguards and police officers to focus on protecting members of the public.

CC: Honorable Councilmembers  
Independent Budget Analyst Andrea Tevlin  
Honorable City Attorney Jan Goldsmith  
Stacey LoMedico, Director of the Park and Recreation Department  
Kelly Broughton, Director of Development Services